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February 3rd, 2015 Minutes

Brookings County Planning & Zoning Commission
February 3rd, 2015 – 7:00 P.M.
Brookings City & County Government Center
310 Chambers

Chair Robbins called the meeting to order at 7:00 P.M. Commission members present were: Lee Ann Pierce, Bob Rochel, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Laurie Nichols, Terrell Spence and Randy Jensen.

Chair Robbins read **agenda item # 1: Approval of Minutes from January 6th, 2015 and January 30th, 2015 meeting.** Lee Ann Pierce moved to approve the minutes. Terrel Spence second. Chair Robbins opened for discussion and called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 2: Items to be added to agenda by commission members or staff.** a) Bob Hill added during my director's report 1) 2014 yearend report and 2) discuss the City of Brookings Joint Jurisdiction area with the planning commission, as I have a meeting with the City Planning Commission on February 5th, 2015.

Chair Robbins read **agenda item # 3: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board.** a) Ms. Eowyn Corral asked to visit with the board on the proposed Zoning Ordinance change. b) Mr. Darrell Renken asked to address the board concerning a lease lot at the Wagon Wheel Resort on Lake Oakwood. c) Mr. Hill added Wendy Henley to discuss starting a church in the county. She may be here later and wanted her to be able to speak to the board, if she arrives.

Chair Robbins read **agenda item # 4: Approval of Agenda.** Bob Rochel moved to approve the agenda. Darrel Kleinjan second. Chair Robbins called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins stated, "We are now acting as the Brookings County Board of Adjustment," read the opening statement and **agenda item # 5: 2014var013: Tabled from January 6th, 2015 meeting. JAARL Investments LLC by Mark Norgaard has made an application, 2014var013, to the Brookings County**

Board of Adjustment for a variance. Article 13.00: Section 13.01: "LP" Lake-Park District: Density, Area and Yard Regulation (Lake Front). The property is described as: "Lake Poinsett Heights OL"A" & E112' of OL"B" & Incl OL"C" in Govt. Lots 2 & 3 of Sec. 5, T112N, R52W (Laketon Township)" ~ 126 S Lake Dr, Arlington, SD 57212 is the address. Laurie Nichols move to take from the table. Terrel Spence second. Chair Robbins opened up for discussion. Chair Robbins stated "The office received an email from Tracie Dixon asking to postpone the discussion for another month." Lee Ann Pierce moved to postpone until March meeting. Laurie Nichols second. Chair Robbins opened for discussion. The board discussed if it needed to be advertised again for the next meeting and who pays for that? Mr. Hill stated "The County will pay for the advertising." The board discussed to inform the applicant that this would be the last time the board would postpone the item, if they move to postpone it indefinitely, it actually kills it. They will give the applicant one more month, if he does not show up, then we would move to postpone it indefinitely. Mr. Hill stated, "The reason we did not recommend to postpone infinitely now, is that we have not checked to the legality, to see if it takes six (6) months to reapply. We will get that answer, so we know for next time." Chair Robbins opened up for discussion from the audience. Seeing none he called for a roll call vote: Rochel-aye, Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-nay, Elenkiwich-nay, Pierce-nay and Robbins-aye. 6-ayes and 3-nays, motion carried.

Chair Robbins **read agenda item # 6: 2015var001: Rick Kasperson has made an application, 2015var001, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards. The property is described as: "Parcels 2-3-4 of SW1/4 of Section 15, T109N, R52W (Lake Sinai Township)." ~ 21664 457th Ave, Arlington, SD 57212 is the address.** Randy Jensen moved to approve the variance request. Darrell Nelson second. Chair Robbins opened up for discussion and asked Mr. Kasperson to address the board. Mr. Kasperson stated, "He is updating his grain receiving operation and would like to add another bin to the west of the existing bins. The new bin will be the same diameter and one ring higher than the existing bins. The bin cannot go to the east as there is an existing shed there, to the north is existing bins, to the south the elevation drops off a lot and the ground is wetter. If we keep the distances between the bins the same, the new bin will be approximately 110 feet from the center of the road, this will allow an extra 10 feet in case something needs to be moved in the construction process. The township contacted him and they have no objections to the variance request." Chair Robbins asked Ms. Thoreau for her staff report. Ms. Thoreau went over her staff report stating "The applicant has applied for an area variance to encroach 40 feet within the front yard setback to construct a grain and expand his farm operation. Some items to consider are; the distance from the driveway to the road to the north is 360 feet for any visual issues with traffic along the road. The power lines across the road and there some suggested setback distances from power lines depending on how tall

the bin is. The current bin is 173 feet from the center of the road.” Mr. Hill stated, “He visited with Dick Birk, Brookings County Highway Superintendent and he has no objections to the variance request.” The board discussed that the bin should not have a visual impact as there is a hill that has more of an impact than the bin would. Chair Robbins opened up for discussion from the audience. Seeing none he asked Ms. Thoreau to go over the findings of facts, which are on file. Chair Robbins called for a roll call vote: Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Elenkiwich-aye and Robbins-aye. 9-ayes and 0-nays, motion carried.

Chair Robbins stated, “We are now acting as the Brookings County Planning and Zoning Commission” read the opening statement and read **agenda item # 7: Consideration of Plats: a). 2015plat003: “Plat of Block 1, Lynn Addition in the N1/2 SE1/4 of Section 16, T109N, R47W of the 5th P.M., Brookings County, South Dakota.”** Darrel Kleinjan moved to approve the plat. Kim Elenkiwich second. Chair Robbins opened up for discussion and asked Ms. Thoreau for her staff report. Ms. Thoreau stated, “They are platting off an existing 9.96 acre homestead off a larger property.” Chair Robbins opened up for discussion from the audience, seeing none, he called for a roll call vote. Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Elenkiwich-aye, Nelson-aye and Robbins-aye. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 3: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board. a) Ms. Eowyn Corral asked to visit with the board on the proposed Zoning Ordinance change.** Chair Robbins asked Eowyn Corral to address the board at this time. Ms. Eowyn Corral stated, “She was here to discuss the proposed changes to Article 5 of the Zoning Ordinance. After the January 6th, 2015 public hearing on the proposed changes, a group of us got together and did an analysis of the 66 counties in South Dakota. We were able to survey 44 of the 66 counties as to how they handle conditional uses, variances and appeals.” She handed out a paper copy of the survey results to each board member and to the staff, which is on file and briefly went over the survey. She also has an electronic version available if anyone would like her to email it to them. Chair Robbins thanked Ms. Corral for her time. **b) Mr. Darrell Renken asked to address the board concerning a lease lot at the Wagon Wheel Resort on Lake Oakwood.** Chair Robbins asked Mr. Renken to address the board. Mr. Renken stated, “He has 100 feet x 170 feet leased lot, with a 30 year lease, that he would like to put on a 24 feet x 52 feet Custom Touch ready built home, (1,248 square feet) with a crawl space, no basement, on it. There is an easement for an existing gravel access to the lots. Some of the lots have trailer homes and others have campers. My intentions are within a year or two to have a permanent residence there. I have my own painting business R & K Painting out of Valley Springs and do a lot of work in Brookings, that way I won’t have to travel quite as far. A Custom Touch Home is structurally and appearance wise, nicer than a trailer home.” Mr. Hill stated “This is a leased lot, not owned by the applicant, which is why we requested that he come before the zoning board, the question is what happens in 30 years?” Mr.

Renken stated, "After 30 years, he has an option to renew with a longer lease, the home goes to the landlord or it gets moved off. This is in my lease agreement also, if I am there 10 years and don't like what is going on, I can move the home out." Darrell Kleinjan stated, "I would say it would be like a trailer house as it can be moved off. Is there anything in the lease agreement if you move it out you have to remove the foundation?" Mr. Renken stated, "No, the foundation can stay there I just have to back fill it in." Darrell Nelson asked, "If he was satisfied if his lease will survive a change in ownership of the property?" Mr. Renken stated, "Yes, I had a lawyer in Sioux Falls draw it up for me." Ms. Thoreau discussed if the land owner and you be on the building permit and if it would meet the lake park setbacks? Mr. Renken stated, "It will be able to meet the setbacks and no I don't believe the land owner would be opposed to being on the building permit." Chair Robbins thanked Mr. Redken for his time and to work with the staff on your steps to move forward. **c) Mr. Hill added Wendy Henley to discuss starting a church in the county. She may be here later and wanted her to be able to speak to the board, if she arrives.** Ms. Henley did not arrive at meeting to discuss starting a church with the board.

Chair Robbins read **agenda item # 8. Department Reports.** Chair Robbins asked Ms. Thoreau for her staff report. Ms. Thoreau stated "She did not have anything for the board." Chair Robbins asked Mr. Hill for his staff report. Mr. Hill stated, "We will look at the documents we received tonight regarding the ordinance update and will bring the ordinance update back to the board. We will mail the ordinance update out in your packet, at the same time we will include a subdivision ordinance update. In the Subdivision Ordinance, Chapter 2.00, we are going to add a chapter 2.50 that will only address two lots or less. This will be for the small farm houses. Now if we go by the complete subdivision ordinance, we require them to bring in 11 copies for preliminary plats, meaning every board member gets a copy, be able to mark changes on it and have a meeting on it. Then come back for a second meeting for a final plat. We have had some surveyor's from different engineering companies' say why don't we stream line the part for the small parcels. The subdivision ordinance is good, if you are building a subdivision. If you are only platting off a farmstead, the subdivision ordinance is too big. At the last meeting there was a discussion on the Town & Country Shopper why we did not publish in there. The county commission also looked into this and it is not one of the authorized papers of the county commission. On the emergency management side I do use it as I have different state laws to follow there and it is different audience on the emergency side verses the zoning side." Lee Ann Pierce commented on the Town & Country Shopper stating, "It is not that we would not want to possibly use the Shopper, but it does not meet the legal definition for being a legal newspaper in the county and we don't have that option under state law." Mr. Hill went over the 2014 yearend report with the board that they received tonight and is on file. He will meet with the City Planning Commission on the Joint Jurisdiction Area on February 5th, 2015 to have a discussion on their "Future Land Use Map. This is only preliminary and at a later time we will talk to them as a group. This is an open meeting and the board is invited to come also. The City Manager for the City of Volga, Andrew Bremseth contacted the office, asking if we start talking joint

jurisdiction towards the City of Volga to invite them into the discussions. The March meeting will be March 3rd, 2015, the same time as Township Board meetings, if the board cannot make it to the meeting due to the Township Board meeting we may need a motion to move it to Thursday, March 5th, 2015. Darrel Kleinjan moved to move the March meeting date to March 5th, 2015 at 7:00 PM. Kim Elenkiwich second. Chair Robbins opened for discussion, seeing none he called for voice vote. 9-ayes and 0-nays, motion carried. Luke Muller from First District of Local Governments addressed the board at this time for possible work session meeting dates on the Comprehensive Plan update. The board determined the work session meeting dates will be Wednesday, March 4th, 2015 from 10:00AM – 2:00PM and Friday, March 20th, 2015 from 8:00 AM – 12:00 PM. Randy Jensen addressed the board on possible future Lake Park Development on Lake Gold Smith, that he had been approached on. Mr. Hill stated, “They were in and visited with us about the plan and we advised them visit with the adjoining land owners about it. If they come in and fill out an application, this board will hear it and we will send our recommendation onto the county commission.” Lee Ann Pierce addressed the board regarding how the findings of facts are being processed. If we could look for options or recommendations to improve that process of completing the findings of facts. Mr. Hill stated “We will look into that and start assembling some information.”

Chair Robbins adjourned the meeting 8:30 PM.

Richard Haugen
Brookings County
Development Department.